

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, August 31, 2004, at 9:30 a.m. the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Wayne Budt, Administrator
Transportation/Centralized Services Division

(333) In the matter of approval of Commission Minutes:

Commissioner Jergeson moved to approve the commission minutes for the week of August 23, 2004. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel
Legal Division

(334) In the matter of the Commission's discussion of N2004.8.123: residence and business Copetitive Responses Tariffs:

Commissioner Stovall moved to approve the promotion deleting the minimum period requirement for the residential benefit. Commissioner Rowe seconded the motion.

Commissioner Jergeson made a substitute motion to dismiss the filing without prejudice and instruct Qwest to re-file and specifically address the issues of the minimum period of time and monitoring in the tariff. Commissioner Brainard seconded the motion, which passed 3-2. Commissioners Rowe and Stovall voted nay.

APPEARANCE

Mike Lee
Utility Division

(335) In the matter of the Commission's discussion of QLD's and QCC's service offerings and

pricing in Montana relative to their offerings elsewhere in the region:

Commissioner Schneider moved to send a letter to Qwest requesting revisions in the information they give customers about the Montana Commission's actions. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan
Utility Division

(336) In the matter of the Commission's discussion of D2004.3.39: MTA, MITS, Ronan and Hot Springs Local Number Portability:

Commissioner Brainard moved to sustain Western Wireless objections to data requests RTC-022(b), RTC-022(c) and MITS-013. Commissioner Stovall seconded the motion, which passed 3-2. Commissioners Jergeson voted nay. Commissioner Schneider voted nay with respect to the data requests of Ronan.

Commissioner Schneider moved to strike the following portions of the Western Wireless testimony: 1,2,3,and 4 are granted. MITS motions 5,6, and 7 are denied. MITS motions 8,9,10,11, and 12 are granted and those portions are stricken from the record. Number 13 is granted with respect to its reference to page 15, however, 5,6, and 7 are denied. Number 8 is granted and numbers 9,10,11, and 12 are denied. Commissioner Brainard seconded the motion, which passed unanimously.

Commissioner Brainard moved to grant MITS motion to strike certain Western Wireless data request responses. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Jergeson moved to deny Western Wireless motion to dismiss Blackfoot and Range Telephone Cooperative from the hearing. Commissioner Schneider seconded the motion, which passed 5-0.

Commissioner Jergeson moved to deny Western Wireless objections to Blackfoot and Range responses to PSC data requests. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh
Legal Division

(337) In the matter of the Commission's discussion of D2001.10.144: NorthWestern Energy

first portfolio docket and protective order matters:

Commissioner Schneider moved to issue a notice of opportunity to comment within (20) days on the NorthWestern Energy petition for return or destruction of protected material. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney
Utility Division

(338) In the matter of the Commission's discussion of Legislation/ Energy Telecom Interim Committee discussion of comments to send to the ETIC regarding LC42 and LC45:

Commissioner Schneider moved to issue the memorandum to the ETIC committee. Commissioner Stovall seconded the motion, which passed unanimously.

(339) In the matter of the Commission's discussion of PSC Travel- Act on Mike Lee's request to travel to Washington D.C. at the end of September on Federal-State joint board on Universal Service:

Commissioner Jergeson moved to approve the out of state travel for Mike Lee to participate on the Federal- State joint board on Universal Service. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist, Eric Eck, Robin McHugh
Utility Division/ Legal Division

(340) In the matter of the Commission's discussion of D2004.3.45: Basin Creek Advanced Approval:

Commissioner Jergeson moved to direct staff to draft an order approving the contract price, terms, and quality, subject to showing that the MCC conditions are met, along with other conditions identified by staff. Commissioner Rowe seconded the motion, which passed 3-2. Commissioners Stovall and Schneider voted nay.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, September 1, 2004, at 9:30 a.m. the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Greg Jergeson, Commissioner

Jay Stovall, Commissioner- proxy left to Bob Rowe, Chairman
Matt Brainard, Commissioner- left vote with Commission Secretary

APPEARANCE

Mike Lee
Utility Division

(341) In the matter of the Commission's discussion of FCC Docket 96-45: FCC Notice of proposed rulemaking concerning universal service joint board "portability" reconsideration:

Commissioner Schneider moved to submit comments to FCC based on draft and comments. A final draft will be circulated for edits. Commissioner Jergeson seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Friday, September 3, 2004, at 9:45 a.m. the following members were present:

Bob Rowe, Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner

Jay Stovall, Commissioner- proxy left to Bob Rowe, Chairman

APPEARANCE
Monica Tranel/ Gary Duncan
Legal Division/Utility Division

(342) In the matter of the commission's discussion of D2004.3.39: MTA, MITS, Ronan, and Hot Springs:

Commissioner Jergeson moved to excuse Northern, Triangle, Central, Interbel, Nexus, project, and Valley from hearings, pending action on the stipulation. Commissioner Brainard seconded the motion, which passed 5-0. The vote was left open for Commissioner Schneider, who later voted yea.

Commissioner Rowe moved that the Commission grant Western Wireless' motion to strike portions of Consumer Counsel testimony, to the extent the witness is offering legal conclusions; deny to the extent he is offering expert opinion based on review of data in the case. Staff will identify portions to be stricken. Commissioner Brainard seconded the motion, which passed 3-2. Commissioner Jergeson voted nay. The vote was left open for Commissioner Schneider, who later voted nay.

Commissioner Rowe moved that the Commission deny Ronan/ Hot Springs motion to strike portions of Western Wireless testimony. Commissioner Brainard seconded the motion, which passed unanimously. The vote was left open for Commissioner Schneider, who later voted yea.

APPEARANCE

Marla Larson
Utility Division

(343) In the matter of the Commission's discussion of OMS Comments concerning FERC order on the MISO TEMT:

Commissioner Jergeson moved that the Montana Public Service Commission support and join the Petition for rehearing and clarification of the organization of MISO States, FERC Docket No.s ER04-691-000 and EL04-104-000, dated September 3, 2004. Commissioner Rowe seconded the motion, which passed unanimously. The vote was left open for Commissioner Schneider, who later voted yea.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)